



1623

PATENT
Attorney Docket No. A-63463-1/467720-4RFT/RMS/RMK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re application of

Tor et al.

Serial No. 08/648,270

Filed: May 15, 1996

For: *Substituted Phenanthrolines*

Group No. 1623

Examiner: L. Crane

OCT 08 2003

TECH CENTER 1600/2900

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450 on:

Date: *October 3 2003*

Signature

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APPEAL BRIEF STATUS REQUEST

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants are requesting a status update on an Appeal Brief filed November 21, 2001. As Applicants have not received a Notice of Noncompliance as required under 37 CFR 1.192(d), Applicants assume that the Brief as filed complied with the requirements under 37 CFR 1.192(c). It is Applicants understanding that they should have received an Examiner's Answer within 2 months after receipt of the brief. *See* M.P.E.P. § 1208. The Answer should indicate that an Appeal Conference was held. An Appeal Conference is mandatory in all cases in which an acceptable brief has been filed. *See* M.P.E.P. § 1208.

Applicants have left several voice mail messages for Examiner Crane regarding the status of the Appeal Brief. On April 10, 2003, Applicants were informed by Examiner Crane that an Appeal Conference would be held during the current USPTO quarter. Applicants

have not received an Answer pursuant to M.P.E.P. § 1208, accordingly, Applicants assume that an Appeal Conference has not been held.

In the absence of the examiner's answer, Applicants' application remains in the jurisdiction of the Technology Centers. Applicants note if the issue of a patent is delayed due to appellate review by the Board of Patent Appeals and Interferences, and the patent is issued pursuant to a decision in the review reversing an adverse determination of patentability, the term of the patent shall be extended for a period of time but in no case more than 5 years. The period of extension includes any period beginning on the date on which the appeal was filed.

In the present case, the appeal was filed on November 21, 2001. *See* M.P.E.P. § 2720. Almost two years have passed without any action occurring on Applicants' Brief. Applicants submit that the failure of the Patent Office to consider their Brief, combined with the length of the Appeal process will significantly shorten the term of patent, if a patent should issue. Accordingly, Applicants request confirmation by the Examiner that an Appeal Conference has been scheduled and/or that an Examiner's Answer will be received within 2 months from the receipt of this Status Inquiry.

Although the Applicants do not believe any additional fees are required, the Commissioner is authorized to charge any additional fees, including extension fees or other relief, which may be required, or credit any overpayment to Deposit Account No. 50-2319 (Our Order No. A-63463-1 (467720-4)RFT/RMS/RMK).

Please direct any calls in connection with this application to the undersigned at (415)

781-1989.

Respectfully submitted,

DORSEY & WHITNEY LLP

Dated: 10/3/03

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